

CENTRAL FAX CENTER

JAN 18 2007

PTO/SB/97 (08-09)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

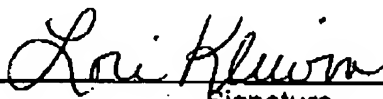
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Serial No.: 10/031,156

Docket No.: PU020138

Art Unit: 2614

Examiner: Trang U. Tran

Renewed Petition Under 37 CFR 1.137(b) (2 pages); and
Copy of Petition for Revival, Amendment and Fee Transmittal filed
November 16, 2006 (15 pages).

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Ser. No.10/511,640
Customer No. 24498

RECEIVED
CENTRAL FAX CENTER PU020138

JAN 18 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Inventor(s) : Gene Harlow Johnson et al.
Serial No. : 10/031,156
Filed : January 14, 2002
Title : METHOD AND APPARATUS FOR AUTOPROGRAMMING A
TELEVISION PROGRAM
Examiner : Trang U. Tran
Art Unit : 2614

RENEWED PETITION UNDER 37 CFR 1.137(b)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The above-identified application became abandoned because petitioners' deposit account had insufficient funds to charge the fee when the U.S. Patent and Trademark Office attempted to collect the fee. A copy of the Petition for Revival of Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b), Amendment, and Fee Transmittal filed November 16, 2006 are attached.

Please charge the large entity fee for filing a petition to revive an unintentionally abandoned application under 37 CFR 1.137(b) in the amount of \$1500.00 to Deposit Account 07-0832.

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Date January 18, 2007

Lori Krewin
Lori Krewin

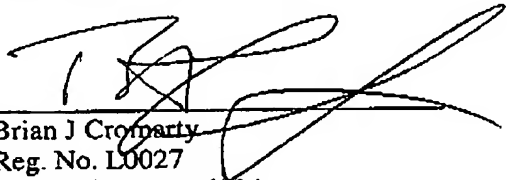
Ser. No.10/511,640
Customer No. 24498

PU020138

Reconsideration and allowance of this application are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's representative at (609) 734-6804, so that a mutually convenient date and time for a telephonic interview may be scheduled.

If additional fees are due, please charge them to Deposit Account 07-0832.

Respectfully submitted,
Gene Harlow Johnson et al.


By: Brian J Crofferty
Reg. No. L0027
Phone (609) 734-6804

Patent Operations
Thomson Licensing Inc.
P.O. Box 5312
Princeton, New Jersey 08543-5312
January 18, 2007

PTO/SB/64 (08-03)

Approved for use through 07/31/2006. OMB 0851-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
RCA 89645

First named inventor: Gene Harlow Johnson et al.

Application No.: 10/031,156

Art Unit: 2614

Filed: January 14, 2002

Examiner: Trang U. Tran

Title: METHOD AND APPARATUS FOR AUTOPROGRAMMING A TELEVISION PROGRAM

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity - fee \$_____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$1500.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Amendment (identify type of reply):

☐ has been filed previously on _____.

☒ is enclosed herewith.

B. The issue fee of \$ _____

☐ has been paid previously on _____.

☐ is enclosed herewith.

[Page 1 of 2]

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PTO/SB/64 (08-03)

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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

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16 Nov 2006

Date



Signature

Brian J. Cromarty

Typed or printed name

Thomson Licensing Inc.

Address

P. O. Box 5312, Princeton, NJ 08543

Address

Telephone
Number: (609) 734-6804

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☒ Other : Fee Transmittal Sheet

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(A)]

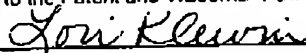
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☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 308-6916.

11-16-06

Date



Signature

Lori Klewin

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[Page 2 of 2]

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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
PTO/SB-7 (01/06)

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
for FY 2006☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 1500.00

Complete if Known	
Application Number	10/031.156
Filing Date	January 14, 2002
First Named Inventor	Gene Marlow Johnson
Examiner Name	Trang U. Tran
An Unl	2614
Attorney Docket No.	RCA 88645

METHOD OF PAYMENT (check all that apply)**CUSTOMER NUMBER: 24498**☐ Check ☐ Credit card ☐ Money Order☐ None☐ Other (please identify):☒ Deposit Account: Deposit Account Number 07-0832Deposit Account Name: THOMSON LICENSING INC.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17☒ Credit any overpayments**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION** (All the fees below are due upon filing or may be subject to a surcharge.)**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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- 20 or HP =

HP = highest number of total claims paid for, if greater than 20.

Independent Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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- 3 or HP =

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
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- 100 =

/ 50 =

(round up to a whole number) x

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)

Fees Paid (\$)

1500.00

SUBMITTED BY

Name (Print/Type)

Brian J. Cromarty

Registration No.
Attorney/Agent

L0027

Telephone

(609) 734-6804

Signature

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Application No. 10/031,156
Customer No. 24498

Attorney Docket No. RCA 89648
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JAN 18 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Gene Harlow Johnson et al.
Application No.: 10/031,156
Filed: January 14, 2002
Title: Method and Apparatus for Autoprogramming a Television
Program
Examiner: Trang U. Tran
Art Unit: 2614

AMENDMENT

**Mail Stop Petition
Commissioners for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Dear Sir:

In response to the Office Action dated May 8th, 2006, the following amendments and comments are submitted and reconsideration of the claim rejections is respectfully requested.

Listing/Amendments to the Claims begin on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.

CERTIFICATE OF MAILING

I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on:

November 16, 2006
Date

Lori Klewini
Lori Klewini

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Application No. 10/031,156
Customer No. 24498

Attorney Docket No. RCA 89645

IN THE CLAIMS

Please amend the claims as follows:

1. (currently amended) A method for processing a plurality of channels, the method comprising the steps of
selecting a channel from the plurality of channels;
receiving a signal associated with the selected channel;
marking the selected channel as a digital signal in response to [if] the intermediate frequency of the selected channel is similar to a nominal frequency for a digital signal;
marking the selected channel as an analog signal in response to [if] the intermediate frequency of the selected channel is similar to a nominal frequency for an analog signal;
storing information indicative of whether the selected channel is marked as a digital or analog channel; and
repeating said selecting, receiving, digital channel marked, analog channel marked and storing steps until each of the plurality of channels have been selected.

2. (Original) The method of claim 1 wherein the information associated with the selected channel is stored into a memory unit.

3. (Original) The method of claim 1 wherein said digital channel determining step further comprises the steps of:
determining that the received signal is a digital baseband signal;
receiving synchronization and error check signals from the received signal;
determining whether the generated synchronization and error check signals are proper for a digital television signal; and

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Attorney Docket No. RCA 89645

marking the selected channel as digital if the synchronization and error check signals are proper.

4. (Original) The method of claim 3 wherein the synchronization signals comprise a Carrier Lock signal and a Segment Lock signal.

5. (Original) The method of claim 3 wherein the error check signals comprise a Forward Error Correction (FEC) signal and a Reed Solomon Error Rate signal.

6. (previously presented) The method of claim 1 wherein said analog channel marking step further comprises the steps of:

- determining that the received signal is an analog baseband signal;
- determining whether a video carrier of the analog baseband signal is automatically fine tuned;
- determining whether a video synchronization signal is detected;
- marking the channel as analog if the video carrier is automatically fine tuned and the video synchronization signal is detected.

7. (Original) The method of claim 6 wherein said video synchronization is a composite SYNC signal having a vertical synchronization signal and a horizontal synchronization signal.

8. (currently amended) An apparatus for automatically programming information associated with a plurality of channels, the apparatus comprising:

- a tuner for converting a radio frequency (RF) signal associated with each of the plurality of channels into an intermediate frequency (IF) signal;

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Attorney Docket No. RCA 89645

a digital signal converter, coupled to said tuner, for demodulating the IF signal into a baseband digital signal;

an analog signal converter, coupled to said tuner, for demodulating the IF signal into a baseband analog signal;

a video processor, coupled to said digital and analog signal converters, for processing video and audio components of the baseband digital and analog signals to an output device;

a memory unit for storing auto programming software and information associated with each of the plurality of channels; and

a microprocessor, coupled to said digital signal converter, said analog signal converter, said tuner and said memory unit, for controlling said tuner, receiving signals from said analog and digital signal converters, executing auto-programming software, marking the received signals as a digital signal in response to [if] the intermediate frequency of the selected channel is similar to a nominal frequency for a digital signal and an analog signal in response to [if] the intermediate frequency of the selected channel is similar to a nominal frequency for an analog signal;

and storing information about the type of channel for each of the plurality of channels into said memory unit.

9. (Original) The apparatus of claim 8 wherein said digital signal converter comprises:

a digital demodulator for demodulating the IF signal into a digital baseband signal and generating synchronization signals;

a forward error correction (FEC) module, coupled to said digital demodulator, for generating error correction signals; and

a digital signal processor, coupled to said FEC module, for separating the digital baseband signal into video and audio components.

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Customer No. 24498

Attorney Docket No. RCA 89645

10. (Original) The apparatus of claim 8 wherein the analog signal converter comprises:

an analog demodulator for demodulating the IF signal into an analog baseband signal and generating tuning signals; and

an analog signal processor, coupled to said analog demodulator, for generating video synchronization signals and separating the analog baseband signal into video and audio components.

11. (Original) The apparatus of claim 8 wherein said microprocessor determines the type of channel by executing autoprogramming software stored in said memory unit.

12. (Previously presented) The apparatus of claim 8 wherein the synchronization signals comprise a Carrier Lock signal and a Segment Lock signal.

13. (Previously presented) The apparatus of claim 8 wherein the error correction signals comprise FEC Lock and Reed Solomon Error Rate signals.

14. (currently presented) A computer readable medium storing a software program that, when executed by a computer, causes the computer to perform a method comprising:

selecting a channel from the plurality of channels;

receiving a signal associated with the selected channel;

marking the selected channel as a digital signal in response to [if] the frequency of the selected channel is similar to a nominal frequency for a digital signal;

marking the selected channel as an analog signal in response to [if] the frequency of the selected channel is similar to a nominal frequency for an analog signal

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Application No. 10/031,156
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Attorney Docket No. RCA 89645

storing information indicative of whether the selected channel is marked as an analog or digital channel; and

repeating said selecting, receiving, digital channel determining, analog channel determining and storing steps until each of the plurality of channels have been selected.

15. (Original) The computer readable medium of claim 14 wherein said digital channel determining step further comprises the steps of:

- determining that the received signal is a digital baseband signal;
- receiving synchronization and error check signals from the received signal;
- determining whether the generated synchronization and error check signals are proper for a digital television signal; and
- marking the selected channel as digital if the synchronization and error check signals are proper.

16. (Original) The computer readable medium of claim 14 wherein said analog channel

- determining step further comprises the steps of:
- determining that the received signal is an analog baseband signal;
- determining whether a video carrier of the analog baseband signal is automatically fine tuned;
- determining whether a video synchronization signal is detected;
- marking the channel as analog if the video carrier is automatically fine tuned and the video synchronization signal is detected.

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Attorney Docket No. RCA 89645

REMARKS

Claims 1-16 are pending in this application. Independent claims 1, 8, and 14 have been amended to clarify the operation of the claimed invention. Specifically, the claims have been amended to clarify that the present invention marks the received signals as a digital signal or analog in response to the intermediate frequency of the selected channel.

Rejection of Claims 1-2, and 14 under 35 USC § 102(b)

Claims 1-2 and 14 are rejected under 35 U.S.C. 102(b), as anticipated by Citta (U.S. Patent No. 5,283,653).

The present invention teaches a method of processing a plurality of channels comprising the steps of "marking the selected channel as a digital signal in response to the intermediate frequency of the selected channel is similar to a nominal frequency for a digital signal, marking the selected channel as an analog signal in response to the intermediate frequency of the selected channel is similar to a nominal frequency for an analog signal" and "storing information indicative of whether the selected channel is marked as a digital or analog channel" as recited by the current claim 1.

It is submitted that Citta does not teach or suggest marking a signal digital or analog in response to the nominal IF frequency. Citta teaches a method of tuning signals in a multiformat environment by trying to tune the HDTV signal first, and if no HDTV signal is locked, the method attempts assumes the signal is an NTSC signal. (abstract) Therefore, it is submitted, that Citta determines, and marks, whether a signal is digital or analog, based on producing a high lock detect signal, not on response to the nominal IF. Citta does not teach or suggest determining if a signal is analog or digital in response to its nominal intermediate frequency.

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Customer No. 24498

Attorney Docket No. RCA 89645

It is submitted that claim 12 is allowable for at least the same reasons that claim 1 is allowable. Such action is respectfully requested. Furthermore, as claim 2 is dependent on claim 1, it is respectfully submitted that claim 2 is allowable for the same reasons as discussed above with respect to claim 1. Thus, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

Rejection of Claim 3 and 15 under 35 USC § 103(a)

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Citta (U.S. Patent No. 5,283,653) in view of Lee (U.S. Patent No. 6,335,762 B1).

Since claims 3 and 15 are dependent on allowable claims 1 and 12 respectively, it is submitted that they too are allowable for at least the same reasons that claims 1 and 12 are allowable. Such action is respectfully requested.

Rejection of Claim 4 under 35 USC § 103(a)

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Citta (U.S. Patent No. 5,283,653) in view of Lee (U.S. Patent No. 6,335,762 B1) further in view of Han (U.S. Patent No. 6,545,723 B1).

Since claim 4 is dependent on allowable claim 1, it is submitted that claim 4 is also are allowable for at least the same reasons that claim 1 is allowable. Such action is respectfully requested.

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Application No. 10/031.156
Customer No. 24498

Attorney Docket No. RCA 89645

Rejection of Claim 5 under 35 USC § 103(a)

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Citta (U.S. Patent No. 5,283,653) in view of Lee (U.S. Patent No. 6,335,762 B1) further in view of Citta et al. (U.S. Patent No. 6,559,898 B1).

Since claim 5 is dependent on allowable claim 1, it is submitted that claim 5 is also allowable for at least the same reasons that claim 1 is allowable. Such action is respectfully requested.

Rejection of Claims 6-7 and 16 under 35 USC § 103(a)

Claims 6-7 and 16 are rejected under 35 U.S.C. 103(a), as being unpatentable over Citta (U.S. Patent No. 5,283,653) in view of DeVilbiss (U.S. Patent No. 4,737,993).

Since claims 6-7 and 16 are dependent on allowable claims 1 and 12 respectively, it is submitted that they too are allowable for at least the same reasons that claims 1 and 12 are allowable. Such action is respectfully requested.

Rejection of Claims 8-9 and 11 under 35 USC § 103(a)

Claims 8-9 and 11 are rejected under 35 U.S.C. 103(a), as being unpatentable over Lee (U.S. Patent No. 6,335,762 B1) in view of Citta (U.S. Patent No. 5,283,653), and further in view of Kim (U.S. Patent No. 6,519,298 B1).

Kim teaches a circuit for discriminating between received signals. The circuit includes a detector for detecting a peak signal based on the degree of correlation between a received signal and a reference signal and a generator for generating a discrimination signal showing that the received signal is a high definition signal if the

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Application No. 10/031,156
Customer No. 24498

Attorney Docket No. RCA 89645

peak signal is detected in a predetermined period; and showing that the received signal is a signal of an analog broadcasting method if the peak signal is not detected in the predetermined period.

Kim, similarly to Lee and Citta, neither discloses nor suggests "marking the received signals as a digital signal in response to the intermediate frequency of the selected channel is similar to a nominal frequency for a digital signal and an analog signal in response to the intermediate frequency of the selected channel is similar to a nominal frequency for an analog signal" as recited in amended claim 8 of the present invention. Thus, it is respectfully submitted that this rejection has been satisfied and should be withdrawn.

As claims 9 and 11 are dependent on claim 8, it is respectfully submitted that these claims are allowable for the same reasons as discussed above with respect to claims 8. Thus, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

Rejection of Claim 10 under 35 USC § 103(a)

Claim 10 is rejected under 35 U.S.C. 103(a), as being unpatentable over Lee (U.S. Patent No. 6,335,762 B1) in view of Citta (U.S. Patent No. 5,283,653), Kim (U.S. Patent No. 6,519,298 B1) and further in view of Sugiyama (U.S. Patent No. 6,313,886 B1).

Since claim 10 is dependent on allowable claim 8, it is submitted that claim 10 is also allowable for at least the same reasons that claim 1 is allowable. Such action is respectfully requested.

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Application No. 10/031,156
Customer No. 24498

Attorney Docket No. RCA 89645

Rejection of Claim 12 under 35 USC § 103(a)

Claim 12 is rejected under 35 U.S.C. 103(a), as being unpatentable over Lee (U.S. Patent No. 6,335,762 B1) in view of Citta (U.S. Patent No. 5,283,653), Kim (U.S. Patent No. 6,519,298 B1) and further in view of Han (U.S. Patent No. 6,545,723 B1).

Since claim 12 is dependent on allowable claim 8, it is submitted that claim 12 is also are allowable for at least the same reasons that claim 1 is allowable. Such action is respectfully requested.

Rejection of Claim 13 under 35 USC § 103(a)

Claim 13 is rejected under 35 U.S.C. 103(a), as being unpatentable over Lee (U.S. Patent No. 6,335,762 B1) in view of Citta (U.S. Patent No. 5,283,653), Kim (U.S. Patent No. 6,519,298 B1) and further in view of Citta et al. (U.S. Pat. No. 6,559,898).

Since claim 13 is dependent on allowable claim 8, it is submitted that claim 13 is also are allowable for at least the same reasons that claim 1 is allowable. Such action is respectfully requested.

Having fully addressed the Examiner's rejections, it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at the phone number below, so that a mutually convenient date and time for a telephonic interview may be scheduled. If any additional fee is due, please charge the additional fee to Deposit Account 07-0832.

Respectfully submitted,

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